


interpreted under the law of the State of Texas, without regard to its conflict of law principles.”). A genuine issue of material fact exists on this question and precludes summary judgment. *See e.g.* Doc. #48, Ex. 2 at 8, 12 (work to be performed includes “port side deck house ladder modification,” “clean and paint ladder,” and “remove and reinstall ladder”).

Accordingly, Plaintiff’s Motion for Partial Summary Judgment (Doc. #36) and Defendant’s Motion for Partial Summary Judgment (Doc. #48) are both DENIED.

It is so ORDERED.

FEB 09 2022
Date



The Honorable Alfred H. Bennett
United States District Judge